

Rep. Nadler Issues First "White Paper" on Disgraceful and Illegal EPA Response to Post-9/11 Air Quality Issues in Lower Manhattan

Thursday, 07 March 2002

NEW YORK -- On the eve of the six-month anniversary of the terrorist attacks on the World Trade Center (WTC), U.S. Congressman Jerrold Nadler (D-NY) today issued the first "White Paper" on Lower Manhattan air quality. The White Paper aggregates the evidence to date on improper and illegal Environmental Protection Agency (EPA) actions in the WTC case, presents a number of new findings, and calls on the EPA to immediately comply with the law to protect the public health.

The White Paper documents a growing body of significant evidence that the EPA misled the public about the "safety" of air quality and improperly allowed the City of New York to handle indoor air matters, with virtually no effort to assure that City agencies complied with federal laws and regulations designed to protect the public from exposure to hazardous materials. In doing so, the paper charges, the EPA violated federal law and put the public health at risk because the City's handling of indoor air matters has been utterly inadequate, and therefore indoor spaces cannot be considered "safe." It also provides new evidence on EPA double-standards and calls on the EPA to immediately reverse its course of action.

Congressman Nadler said, "This new White Paper, which will be updated regularly, gives the full-scale damning account of what is currently known about the EPA's reckless and illegal response to the indoor air quality situation since September 11th."

"Clearly, the EPA has broken the law by its lack of compliance with the National Contingency Plan [with mandates EPA's direct responsibility for hazardous materials contamination situations] and it must now comply. The EPA must stop passing the buck. There is still time for the EPA to fulfill its mission and protect the public health," he added.

While the White Paper chronicles all of the important evidence to date of EPA mishandling of the 9/11 air quality issue, new allegations in the Paper include:

- A detailed section specifying precisely how the EPA broke federal law;
- New evidence on how EPA's assurances of "safety" have resulted in the denial of benefits and relief to the citizens of downtown for cleanup from government agencies, private insurance carriers and social welfare organizations, such as the Red Cross; and
- Additional evidence supporting the claim that the EPA treated its own building differently than it treated the rest of Lower Manhattan.

Additionally, Representative Nadler released a second letter to EPA Administrator Christine Todd Whitman requesting specific new information related to EPA actions. The EPA has defended its lack of action on indoor air matters in Lower Manhattan by stating that the Federal Emergency Management Agency (FEMA) made "mission assignments" under the Federal Response Plan. Congressman Nadler states in the White Paper that the National Contingency Plan (NCP), which is actually activated by the Federal Response Plan, was not properly followed. This is because the EPA did not take full responsibility for the hazardous materials release as it is mandated to do under NCP. The letter seeks to find additional information related to this issue.

"I want to know what the EPA did and when did it do it? What actions exactly did the EPA take under the National Contingency Plan?" asked Congressman Nadler.

Finally, Congressman Nadler announced the second in a series of Investigative Hearings of the EPA National Ombudsman, Robert J. Martin. The hearings will take place on the actual six month anniversary of the 9/11 attacks at 11:30 am at the Federal Court House, 500 Pearl Street in Manhattan. The public is invited to testify.

The full transcript of the first Ombudsman hearings can be found on the website of the New York Environmental Law and Justice Project: <http://www.nyenvirolaw.com/>. The White Paper can be obtained by contacting Rep. Nadler's office.

###